IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7026 OF 2007

Kundlik Hari Bhabad .....Petitioner
V/s
Vithoba Pandharinath Khairnar..... ..... Respondent.

Mr.B.P.Abhale, Adv. for the petitioner.

CORAM: A.P. DESHPANDE, J.
20.9.2007

PC:

The only reason assigned for seeking condonation of delay in filing of appeal by respondent is that the decree was passed without their knowledge. The first Appellate Court without addressing the said question as to whether respondents herein were aware of passing of decree or otherwise has proceeded to condone the delay of 414 days only with a view to afford one more opportunity for the respondents to contest the suit. Very approach of the learned Judge which is revealed from the impugned order prima facie appears to be erroneous. Hence issue notice before admission. Returnable in eights weeks. Till then ad-interim stay of impugned order in terms of prayer clause (b).